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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,360	01/08/2001	Charles E. Cantwell	10003918-1	6629

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/757,360	CHARLES E. CANTWELL, BOISE, ID;	
	Examiner	Art Unit	
	David Q Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 January 2001 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,3-6, 8, 10-13,15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dufour (US Patent Number 5613205).

Regarding claims 1 and 8, Dufour discloses a method and system for locating an object device wirelessly communicating with at least one node, the method and system comprising: a node searcher configured to discover the nodes wirelessly communicating with the object device (see col. 3, lines 9-23); for each node wirelessly communicating with the object device, a coverage area inspector configured to discover a location of a coverage area for the node (see col. 3, lines 23-27); an area of location finder configured to discover an area of location for the object device from the location of the coverage area for each node wirelessly communicating with the object device (see col. 3, lines 27-37).

Regarding claim 15, Dufour discloses a program storage device readable by a computer, tangibly embodying a program, applet or instructions executable by the computer to perform method steps for locating an object device wirelessly communicating with at least one node, the method steps comprising: (a) discovering the nodes wirelessly communicating with the object device; (b) for each node wirelessly communicating with the object device, discovering a location of a coverage area for the node; and, (c) discovering an area of location for the object

device from the location of the coverage area for each node wirelessly communicating with the object device (see explanation in claims 1 and 8).

Regarding claims 3,10 and 17, Dufour also discloses an inquirer configured to query nodes to discover whether the object device is wirelessly communicating with the nodes (see col. 3, lines 15-20).

Regarding claims 4-5,11-12 and 18, Dufour also discloses a node reader configured to read the location of the coverage area for each node wirelessly communicating with the object device (see col. 3, lines 23-37); a calculator configured to calculate the location of the coverage area from the node location (see col. 3, lines 23-37).

Regarding claims 6,13 and 19, Dufour also discloses a mapper configured to discover a region common to the coverage areas for each node communicating wirelessly with the object device (see col. 3, lines 31-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2,9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dufour (US Patent Number 5613205) in view of Yahagi (US Patent Number 5613199).

Regarding claims 2,9 and 16, Dufour discloses a method, a system and a program storage device readable by a computer comprising all of limitations as claimed in claims 1,8 and 15. Dufour fail to disclose querying nodes to discover devices wirelessly communicating with each node; (b) generating an index of devices wirelessly communicating with each node and the nodes to which each device is wirelessly communicating; (c) selecting the object device from the index; and, (d) reading the index to discover the nodes wirelessly communicating with the object device. However, Yahagi discloses querying nodes to discover devices wirelessly communicating with each node (see fig. 11a; col. 8, lines 27 to col. 9, line 20; col. 8, lines 27-47); generating an index of devices wirelessly communicating with each node and the nodes to which each device is wirelessly communicating (see fig. 11a; col. 8, lines 27 to col. 9, line 20; col. 8, lines 38-47); selecting the object device from the index (see fig. 11a; col. 8, lines 27 to col. 9, line 20; and reading the index to discover the nodes wirelessly communicating with the object device (see fig. 11a; col. 8, lines 27 to col. 9, line 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Yahagi to Dufour in order to system can set up handoff calls from serving node to neighbor node in order to avoid drop service.

3. Claims 7,14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dufour (US Patent Number 5613205).

Regarding claims 7,14 and 20, Dufour discloses identifying a region of each node can maintain a call (see col. 3, lines 15-20). It is apparent that Dufour would suggest a mapper configured to discover a region excluding the coverage areas for each node not communicating

wirelessly with the object device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching to Dufour in order to system can set up handoff calls from serving node to neighbor node in order to avoid drop service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN
David Nguyen


ERIKA GARY
PATENT EXAMINER